

**REMARKS**

In the present Amendment, claims 4, 5, 10 and 11 have been amended consistently with the amendments previously made to claims 1 and 7 for clarity. Claims 1 and 7 have been amended to improve their format. These amendments are not to be deemed to narrow the scope of the claims.

Claims 13 and 14 have been added. Claims 13 and 14 are the same as claim 6 but depend from allowed claims 4 and 5.

No new matter has been added and entry of the Amendment is respectfully requested. Upon entry of the Amendment, claims 1-14 will be all the claims pending in the application.

**I. Withdrawn Rejections**

Applicants note with appreciation that the § 102 rejections of claims 1, 6, 7 and 12 over Ebisawa et al. (EP 0 969 700 A1) and Ebisawa et al. (US 6,284,342) in the previous Office Action have been withdrawn.

**II. Response to Rejection Under 35 U.S.C. §102**

In Paragraph No. 6 of the Office Action, claims 1, 2, 6-8, and 12 remain rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Yamashita et al. (US 5,189,405).

The Examiner considered layers (4), (53) and moisture absorbent powder of Yamashita et al constitute the presently claimed "member," wherein layer (4) is made of a porous material and layer (53) is made of a non-porous material. The Examiner further argued that "the present claims do not require that the 'member' not contact the outermost housing."

Applicants respectfully traverse the rejection for at least the following reasons.

Present claim 1 requires that "the removing agent [be] contained in said container." As set forth on page 5 of the Amendment of August 2, 2004, "the member is separately placed in the inner space of the closed housing of the electroluminescent device and does not *constitute* a part of the closed housing by building it into the housing" (emphasis added).

Applicants respectfully submit that the term "constitute" has a meaning different from "contact," and thus it is irrelevant that "the present claims do not require that the 'member' not *contact* the outermost housing" (emphasis added).

Further, in Yamashita et al, the electroluminescent device containing layers 11-15 (Figure 1), as well as the "member" are enclosed in the "outer container" comprising outer layer (52) and the substrate, as noted by the Examiner. However, the Examiner does not assert and Yamashita et al does not disclose or suggest that the "member" is located inside the *electroluminescent device* itself, as presently claimed.

In view of the foregoing reasons, Applicants respectfully submit that the present invention is not anticipated by or obvious over Yamashita et al and that the rejection should be withdrawn.

### **III. Allowable Subject Matter**

Applicants note with appreciation that in Paragraph No. 7 of the Office Action, claims 4, 5, 10 and 11 are allowed.

### **IV. Response to Claim Objection**

In Paragraph No. 8 of the Office Action, claims 3 and 9 are objected to as being dependent upon a rejected base claim.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No.: 09/809,273

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Applicants respectfully submit that the rejection of claims 1 and 7 from which claims 3 and 9 depend secondarily has been overcome as set forth above and that the objection should be withdrawn.

**V. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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